

June 18, 1998

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: MM Docket No. 97-234 / GC Docket No. 92-52, GEN Docket No. 90-264  
Presentation by National Public Radio, Inc. ("NPR") and  
the Association of America's Public Television Stations ("APTS")  
Ex Parte Notice



Dear Ms. Salas:

Pursuant to Section 1.1200, et seq., of the Commission's Rules, National Public Radio, Inc. ("NPR") hereby notifies the Commission of the following *ex parte* presentation by NPR and the Association of America's Public Television Stations ("APTS") regarding the above-referenced proceeding.



On June 17, 1998, Betsy Laird, NPR's Director of National Affairs, Michelle Shanahan, NPR Assistant General Counsel, and Mary Dewhirst, APTS' Vice President, Government Relations, met with Anita Wallgren, Legal Advisor to Commissioner Susan Ness, to discuss NPR's and APTS' concerns with the Commission's proposal to auction analog broadcast spectrum, including non-reserved spectrum for which an applicant may have applied to provide a noncommercial educational service. Two copies of a written presentation on these concerns, given to Ms. Wallgren at the meeting, are attached hereto.



Please direct any questions regarding this matter to the undersigned at (202) 414-2055, or to Mary Dewhirst, APTS' Vice President, Government Relations, at (202) 887-1700.

Sincerely,

Michelle M. Shanahan  
Assistant General Counsel

cc: Anita Wallgren  
Lonna Thompson  
Mary Dewhirst

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**National Public Radio, Inc.**

**The Association of America's Public Television Stations**

**Impact of Auctions on Public Broadcasting -- MM Docket No. 97-234**

1. Subjecting public broadcasters to auctions would have a devastating impact upon public broadcasters and the public interest.

- ◆ Public broadcasters cannot compete in auctions with commercial broadcasters.
- ◆ If public broadcasters are subject to auctions, the non-reserved FM, AM and TV Translator bands would be effectively closed to public broadcasters. This would severely restrict the growth of public broadcasting, and would even reduce public broadcasting coverage as public broadcasters are forced to participate in auctions to replace dislocated TV and FM translators.
- ◆ Examples of impact on public broadcasting:

- a. FM Translators: Because of Channel 6 interference, crowding of the reserved band, and limits near Canadian and Mexican borders, the non-reserved spectrum is often the only option for new FM translator service.

Because of the secondary nature of FM translators, FM translators must frequently relocate. If they are subject to auctions whenever they must relocate, they may not be able to maintain existing service.

- b. Full-Service Radio Stations: Approximately 72 NPR and NFCB member stations are located either on AM channels or the non-reserved FM band. If mutually-exclusive modification applications are subject to auction, these stations may not be able to make major modifications.

In many areas of the country, the AM band and non-reserved FM band also are the only options for new full-service NCE stations, because of Channel 6 interference, crowding of the reserved band, and limits near the Canadian and Mexican borders.

- c. TV Translators: Many of the nearly 800 TV translators licensed to public TV stations will be forced to seek new frequencies during the transition to digital television. Many of these licensees would be precluded financially from seeking new channels if such applications would be subject to auctions. Nonreserved channels also may be necessary for new full-service public television stations as well if reserved TV channels utilized in the DTV transition are not replaced.
- d. ITFS: Many public television stations hold ITFS licenses that fulfill significant educational needs of the public. Growth of ITFS would be stunted if ITFS applicants are forced to bid on new frequencies in auction.

2. Congress did not intend such a result. See 47 U.S.C. § 309(j)(2)(C).

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**3. Suggested Solutions**

- ◆ No Auctions for Modifications
- ◆ FM Translators – Use Existing Processes Under Section 74.1233
- ◆ Dislocated FM and TV Translators -- treat on a first-come, first-served basis
- ◆ New Full Service Stations or New TV Translators – Use a separate track where NCE applies (e.g., proposing first, second or third noncommercial service) OR use streamlined, paper-only process using objective criteria to decide among competing applications.
- ◆ ITFS – Use Existing Point System